\* BEFORE THE \* ZONING COMMISSIONER

\* \* \* \* \* \* \* \* \* \* \*

(410 Overbrook Road) \* OF BALTIMORE COUNTY 1st Election District 1st Councilmanic District \* Case No. 90-532-SPH

James R. Mudgett

Petitioner

## FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a special hearing to approve the existence of a nonconforming use of the subject property as two apartments in accordance with Petitioner's Exhibit 1.

The Petitioner appeared and testified. Appearing as Protestants in the matter were: Gary Grabowski, President, Westbrook Community Association, James A. Cohill, Pamela S. DiPietro and John G. Grosskopf, Jr.

Testimony indicated that the subject property, known as 410 Overbrook Road, consists of .047 acres zoned D.R. 10.5 and is improved with a two story townhouse dwelling and accessory garage. Petitioner is desirous of utilizing the property as a two apartment dwelling. Testimony indicated that the subject dwelling was constructed in approximately 1939 and was purchased by Petitioner in 1985. Petitioner's own personal knowledge of the use of the property as a two apartment dwelling was limited to the period of 1985 through the present. Mr. Mudgett introduced into evidence three affidavits, marked Petitioner's Exhibits 2, 3 and 4, without objection from the Protestants. Petitioner contends that the affidavits taken together satisfy the requirements of Section 104.1 of the Baltimore County Zoning Regulations (B.C.Z.R.).

James Cohill testified in opposition to the relief requested. He testified that he lives next door to the subject property and had a very

PETITION FOR SPECIAL HEARING

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Battimore County Zoning Regulations, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve \_\_\_\_\_

the existance of a nonconforming use (2 apartments)

Property is to be posted and advertised as prescribed by Zoning Regulations.

Contract Purchaser:

City and State

(Type or Print Name)

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 90-532-5PH

I, or we, agree to pay expenses of the above Special Hearing advertising, posting, etc., upon filling of this Petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Legal Owner(s):

under the penalties of perjury, that the under the legal owner(s) of the property.

D-Z-C

which is the subject of this Petition.

6322 WINDSOR MILL ROAD 944-5655

BALTIMORE\_ MARYLAND 21207\_\_\_\_

Vame, address and phone number of legal owner, con-

ning Commissioner of Baltimore County.

close relationship with the previous owner, Mrs. Woods, from 1977 until her death in 1985. Mr. Cohill testified that he frequently did chores for Mrs. Woods in the nature of grocery shopping, replacing screens, cutting the lawn, etc. He testified that during the period Mrs. Woods lived next door, he had many occasions to visit the inside of her home and that from 1977 to 1985, she lived alone. Mr. Cohill further testified that subsequent to Mrs. Woods' death, the property was vacant until Petitioner acquired ownership.

John Grosskopf, Jr. also testified in opposition to the relief requested. He testified that he lives next door to the subject property on the opposite side from Mr. Cohill and that he also was an acquaintance of Mrs. Woods from 1982 until her death. He testified to occasionally helping Mrs. Woods with her household chores and visiting with her periodically. Mr. Grosskopf testified that for the period of 1982 until her death in 1985, Mrs. Woods had no tenants and lived alone.

Also appearing as a Protestant was Pamela DiPietro. Ms. DiPietro testified that she has lived immediately behind the subject property since 1979 and also knew Mrs. Woods until her death in 1985. She testified that she and Mrs. Woods were friends and that to her knowledge, Mrs. Woods never had any tenants living with her.

Gary Grabowski, President of the Westbrook Community Association. appeared and testified on behalf of the Association. Mr. Grabowski testified that the Westbrook Community Association is opposed to the Petition and requested that same be denied.

Section 104.1 of the B.C.Z.R. requires a determination as to whether or not there has been a change in the subject nonconforming use. determination must be made as to whether or not the change is a differ-

ent use, and therefore, breaks the continued nature of the nonconforming use. If the change in use is found to be different than the original use, the current use of the property shall not be considered nonconform-See McKemy vs. Baltimore County, Md., 39 Md. App. 257, 385, A2d. 96 (1978). The burden is upon the Petitioner to establish the continued nature of the nonconforming use. Petitioner attempted to fulfill this burden by introducing the aforementioned affidavits. However, Petitioner's affidavits, read in a light most favorable to the Petitioner, are inconclusive at best. Additionally, the testimony presented by the Protestants was in direct contradiction to the specific affirmations of each affidavit. Based upon the testimony and evidence presented, the Petition for Special Hearing must be denied.

Pursuant to the advertisement, posting of the property and public hearing on this Petition held, and for the reasons given above, the relief requested in the Petition for Special Hearing should be denied.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this / day of September, 1990 that the Petition for Special Hearing to approve the existence of a nonconforming use of the subject property as a two apartment dwelling, in accordance with Petitioner's Exhibit 1, be and is hereby DENIED; and,

IT IS FURTHER ORDERED that any use of the subject property as a two apartment dwelling shall cease on or before February 1, 1991.

> Zoning Commissioner for Baltimore County

LEGAL DESCRIPTION FOR 410 OVERBROOK ROA

BEGINNING for the same thereof at a point on the west side of Overbrook Road where said side of Road is intersected by the dividing line between lot No. Thirtyeight (38) and lot No. Thirty-nine (39) as shown on the plat of Westbrook which Plat is filed among the Land Records of Baltimore County in Plat Book C.W.B. Jr. No. 12 folio 36 and 37 and running thence binding on the southwest side of Overbrook Road northwesterly twenty feet to the northernmost corner of lot No. Thirty-eight (38) as shown as said plat, thence binding on the division line between Lots Nos. 37 and 38 as shown on said Plat, southwesterly to and along the centre of the partition wall between the house on the lot now being described and the house on the lot adjoining thereto on the northwest in all sixty one feet to the end thereof, thence still southwesterly sixteen feet to the northeast end of the partition wall between the garage erected on the lot now being described and the garage erected on the lot adjoining thereto on the northwest, and at the centre of said wall thence still southwesterly through the centre of said last mentioned wall to the end thereof and continuing the same course in all twenty six feet to the westernmost corner of lot No. Thirty-eight (38) as shown on said Plat and to the northeast side of a Lane fourteen feet wide, the northeast side of the Lane being parallel to and one hundred seventeen feet northeasterly from the northeast side of Nunery Lane, thence southeasterly binding on the northeast side of saiddfourteen foot Lane with the use of said Lane and of the Lanes, course and paths communicating therewith in common with others twenty feet to the westernmost corner of lot No. Thirty-nine (39) as shown on Plat, thence northeasterly to and along the centre of the partition wall between the house on the lot now on the southeast, to the end thereof and continuing the

90-532-SPH

same course in all one hundred and three feet to the place of beginning. Being known and designated as Lot No. Thirty-eight (38) as shown on said Plat of Westbrook. The improvements thereon being known as No. 410 Overbrook

## CERTIFICATE OF PUBLICATION

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive 

THE JEFFERSONIAN,

5. Zete Orlon

Baltimore County Zoning Commissioner Office of Planning & Zoning Towson, Maryland 21204 (301) 887-3353

Mr. James R. Mudgett

6322 Windsor Mill Road

J. Robert Haines

September 7, 1990

Baltimore, Maryland 21207 Dennis F. Rasmussen RE: PETITION FOR SPECIAL HEARING W/S Overbrook Road, 422' N of Edmondson Avenue (410 Overbrook Road)

James R. Mudgett - Petitioner Case No. 90-532-SPH

Dear Mr. Mudgett:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Special Hearing has been denied in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3391.

> J. ROBERT HAINES Zoning Commissioner for Baltimore County

cc: Mr. Gary Grabowski 434 Overbrook Road, Baltimore, Md. 21228

1st Election District - 1st Councilmanic District

Mr. John G. Grosskopf, Jr. 412 Overbrook Road, Baltimore, Md. 21228 Mr. James A. Cohill

408 Overbrook Road, Baltimore, Md. 21228 Ms. Pamela S. DiPietro 413 Academy Road, Baltimore, Md. 21228

Mr. Harry E. Belsinger 1932 Snyder Avenue, Baltimore, Md. 21222

People's Counsel

Luly 24, 1990 at 9:30 a.m.

CERTIFICATE OF PUBLICATION

5. Zehe Orlown

Zoning Commissioner County Office Building 111 West Chesapeake Avanua

receipt

Tames R. Mudgett Item # 372 Residential Zoning (Home) special Hearing

#410 Over brook Rd.

Zoning Commisioner County Office Building

4/20/90

H9000372

PUBLIC HEARING FEES 030 -SPECIAL HEARING (IRL)

TOTAL: \$35.00 LAST NAME OF OWNER: MUDGETT

SEE HAND-WRITTEN
PECEIPT NO. 2212

ESTIMATED LENGTH OF HEARING -1/2HR. (
AVAILABLE FOR HEARING
HON./TUES./WED. - NEXT TWO MONTHS DATE 4-20-90

90-532-59# CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY

	••••
District 1 St.	Dete of Posting July 31, 1990.  It Road, 422'N Estmondson Brenu o Overbrook Road
Posted for: Special Haring	
James R. Mudge	t
reditioner:	Road 422'n Essmondson Grense
ocation of property:	
410 Greebrook Koad	
In hont de 41	o Overbrook Road
mation of Signature	
Remarks:	
O Queta	Date of return: Gugust 3, 1990
Posted by Signature	Date of return: August 3, 1990
fixaber of Sisme:/	•

90-532-SPH CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY

Petitioner: James R. Mudgett

Location of property: W/S Oresbrook Road, 422 n Edmondson Grence

410 Overbrook Road Location of Signe In Junt of 410 Overbrook Road Date of return: June 24, 1990.

Baltimore County Zoning Commissioner
Office of Planning & Zoning Towson, Maryland 21204 (301) 887-3353 J. Robert Haines
Zoning Commissioner

DATE: 8-17-90

James R. Mudgett 6322 Windsor Mill Road Baltimore, Maryland 21207



Petition for Speical Hearing CASE NUMBER: 90-532-SPH W/S Overbrook Road, 422 M Edmondson Avenue 410 Overbrook Road 1st Election District - 1st Councilmanic Petitioner(s): James R. Mudgett HEARING: TUESDAY, AUGUST 21, 1990 at 2:00 p.m.

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT

Please make your check payable to Baltimore County, Maryland. Bring the check and the sign & post set(s) to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 113, Towson, Maryland fifteen (15) minutes before your hearing is scheduled to begin.

ISSUE. DO NOT REMOVE THE SIGH & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

J. ROBERT HAINES ZONING CONTISSIONER BALTIMORE COUNTY, MARYLAND

Zoning Commisioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204 M9100136 8/21/90 PUBLIC HEARING FEES 080 -POSTING SIGNS / ADVERTISING 1 TOTAL: \$91.13 LAST NAME OF OWNER: MUDGETT 04A04H0145MICHRC BA C001:30PH08-21-90

BALTIMORE COUNTY, MARYLAND OFFICE OF CENTRAL SERVICES M 44238 Zoning Office PLEASE ORDER THE FOLLOWING FOR: \_\_\_ VEAR FUND AGENCY PROGRAM OBJECT EXP CODE SPLIT % M/Z NO. DELIVERY CODE REQ DELIVERY DATE

1110 TOTAL PURCHASE/ PRICE SUB-ORDER NO ITEM QUANTITY DESCRIPTION OF MATERIAL CASE NUMBER: 90-532-SPH M/S Overbrook Road, 422 N Edmondson Avenue 1st Election District - 1st Councilmanic Petitioner(s): James R. Mudgett HEARING: TUESDAY, JULY 24, 1990 at 9:30 a.m. ISSUES: June 27, 1990 and June 28, 1990 

BUYER CODE TYPE CODE CONFIRMING TO:

Zoning Office, X3394

Baltimore County

(301) 887-3353

J. Robert Haines Zoning Commissioner

Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204

9th day of May, 1990.

Baltimore County Zoning Commissioner Office of Planning & Zoning Towson, Maryland 21204 (301) 887-3353 J. Robert Haines
Zoning Commissioner



NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:

Petition for Speical Hearing CASE NUMBER: 90-532-SPH W/S Overbrook Road, 422' N Edmondson Avenue 410 Overbrook Road 1st Election District - 1st Councilmanic Petitioner(s): James R. Hudgett HEARING: TUESDAY, AUGUST 21, 1990 at 2:00 p.m.

Special Hearing: The existence of a noncomforming use (2 apartments).

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. ROBERT HAINES Zoning Commissioner of Baltimore County

cc: James R. Mudgett

Baltimore County Zoning Commissioner
Office of Planning & Zoning Towson, Maryland 21204 (301) 887-3353 J. Robert Haines Zoning Come indoner



MOTICE OF HEARING

June 1, 1990

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:

Petition for Speical Hearing CASE NUMBER: 90-532-SPH W/S Overbrook Road, 422' M Edmondson Avenue 410 Overbrook Road 1st Election District - 1st Councilmanic Petitioner(s): James R. Mudgett HEARING: TUESDAY, JULY 24, 1990 at 9:30 a.m.

Special Hearing: The existence of a noncomforming use (2 apartments).

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

Zoning Commissioner of Baltimore County

Baltimore County Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204 (301) 887-3353 J. Robert Haines Zoning Commissioner

July 9, 1990



Mr. James R. Mudgett 6322 Windsor Mill Road Baltimore, MD 21207

RE: Item No. 372, Case No. 90-532-SPH Petitioner: James R. Mudgett Petition for Special Hearing

Dear Mr. Mudgett:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Zoning Plans Advisory Committee

Your petition has been received and accepted for filing this

Q. Robert Springs

ZONING COMMISSIONER

Petitioner: James R. Mudgett, et ux Petitioner's Attorney:

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Pat Keller, Deputy Director

J. Robert Haines Zoning Commissioner

Office of Planning and Zoning SUBJECT: James R. Mudgett, Item 372

The Petitioner requests a Special Hearing to establish the non-conforming use of a two-apartment dwelling. In reference to this request, staff offers no comments.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

PK/JL/cmm

DATE: April 26, 1990

Baltimore County Department of Public Works Pepartment of Tubic World Bureau of Traffic Engineering Courts Building, Suite 405 Towson, Maryland 21204 (301) 887-3554

May 24, 1990



Mr. J. Robert Haines Zoning Commissioner County Office Building Towson, Maryland 21204

Dear Mr. Haines:

The Bureau of Traffic Engineering has no comments for items number 332, 333, 354, 359, 362, 363, 364, 365, 366, 367, 369, 370, 371, and 372.

Very truly yours,

Michael S. Flanigan Traffic Engineer Associate II

MSF/lvw

ZONING OFFICE

Baltimore County Fire Department 700 East Joppa Road, Suite 901 Towson, Maryland 21204-5500 (301) 887-4500

Paul H. Reincke Chief

Towson, MD 21204

J. Robert Haines Zoning Commissioner Office of Planning and Zoning Baltimore County Office Building



JAMES R. MUDGETT RE: Property Owner:

Location:

W/S OVERBROOK ROAD 410 OVERBROOK ROAD

Item No.:

Zoning Agenda: MAY 8, 1990

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1988 edition prior to occupancy.

REVIEWER: Catt Joseph Kelly 5-3-90 Approved April Wom A Bush, and Planning Froup Fife Prevention Bureau Special Inspection Division

Law Offices

James R. Mudgett

6322 Windsor Mill Road

Baltimore, Maryland 21207

Telephone 944-5655

With regards to the above captioned case, please be advised that I will be out of the country and in Europe during the entire month of July. Please do not schedule my hearing during this period of time.

Thank you for your anticipated cooperation in this

Very truly yours,

James R. Mudgett

April 25, 1990

re: Case Number: C-90-1636

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Zoning Advisory Committee DATE: May 11, 1990

FROM: Robert W. Bowling, P.E. Zoning Advisory Committee Meeting for May 8, 1990

The Developers Engineering Division has reviewed the subject revised zoning items and we have no comments for Items 332, 333, 354, 362, 363, 365, 369 and 370.

For Items 367, the previous County Review Group Comments still apply.

For Item 359, 2-foot setback for parking is inadequate for vehicle overhand against State Highway Administration fence.

For Item 364, the address on the plat is #9400 for

For Item 366, the correct plat reference is SM 56/138.

For Items 371 and 372, no plans were received for review and comment.

For 89-483A, we have no comment

ROBERT W. BOWLING, P.E., Criof Developers Engineering Devision

RWB:s

Baltimore County Zoning Commissioner
Office of Planning & Zoning Towson, Maryland 21204 (301) 887-3353 J. Robert Haines Zoning Commissioner

June 11, 1990



James R. Mudgett 6322 Windsor Mill Road Baltimore, Maryland 21207

Re: Case Number: 90-532-SPH Petitioner(s): James R. Mudgett

Dear Mr. Mudgett:

Pursuant to your request dated June 5, 1990, the July 24, 1990 hearing and advertising of the above captioned matter has been postponed.

Very truly yours

G. G. Stephens (301) 887-3391

July 11, 1990

Mr. J. Robert Haines, Zoning Commissioner 111 W. Chesapeake Avenue Towson, Haryland 21204

Westbrook Community Association P. C. Box 21095

ZONING OFFICE

Catonsville, Md. 21228 Dear Mr. J. Robert Haines,

We the residents of Westbrook Community Association will be ever so happy if the hearing dates for 410 Overbrook Road, Catonsville, Maryland 21228 would be not postponed anymore. The first court date was set for July 24th at 9:30A.M., now the second date is set for

We hope the August 21st date will remain so we can get this case solved once and for all.

Thank you very much.

Westbrook Westbrook Community Association

cc: Mr. Ronald B. Hickernell, Councilman, First District

WESTBROOK COMMUNITY ASSOCIATION

July 11, 1990

Mr. J. Robert Haines, Zoning Commissioner 111 W. Chesapeake Avenue Towson, Maryland 21204

Westbrook Community Association P. O. Box 21095 Catonsville, Md. 21228

Dear Mr. J. Robert Haines,

We the residents of Westbrook Community Association will be ever so happy if the hearing dates for 410 Overbrook Road, Catonsville, Maryland 21228 would be not postponed anymore. The first court date was set for July 24th at 9:30A.M., now the second date is set for August 21st at 2P.M.

We hope the August 21st date will remain so we can get this case solved once and for all.

Thank you very much.

Westbrook Westbrook Community Association

cc: Mr. Ronald B. Hickernell, Councilman, First District

RECUVED'

Law Offices James R. Mudgett 6322 Windsor Mill Road Baltimore, Maryland 21207 Telephone 944-5655 June 5, 1990

Country Village 1912 Liberty Road Sykesville, Maryland 2:784

J. Robert Haines Zoning Commissioner Office of Planning and Zoning 111 West Chesapeake Avenue Towson, Maryland 21204

re: Case No.: C-90-1636

Dear Commissioner:

Enclosed herewith, please find copy of Notice of Hearing regarding the above captioned case, and a letter from myself dated April 25, 1990 explaining that I would be out of the country from June 29, 1990 through July 29, 1990. With this in mind, I respectfully request that this hearing be postponed.

JRM/cal

JUN 7 1930

ZONING OFFICE

Eldersburg Office Country Village 1912 Liberty Road

J. Robert Haines

Zoning Commissioner

Dear Commissioner:

matter. I remain,

111 West Chesapeake Avenue

Towson, Maryland 21204

ZONING OFFICE

August 21st at 2P.M.

· 90-5329ff OVERBROOK RD. MAP PROTESTANT (S) SIGN-IN SHEET 434 Overbrook Rd Baltimore MD TO EDMONDSON AVE Gary Grabowski 412 OVERBROOK RD BALLO MO 408 OVER BROOK Rd BALLO MA 413 Academy Rd. Balto. 413 Academy Rd. Balto. LOWN G GROSSKOPF JR JAMES A. COHILC Pamela S. Di Pietro Porch OWNER: JAMES R. MUDGETT 408 PLAT OF WESTBROOK LIBER 12 FOLIO 36 and 37 LOT LOT SIZE: Lot 38 2060 SQ. FT. ZONED: D.R. 10.5 .047 Acre DISTRICT - 1 422 OVERBROOK RD. APPROVED FOR A TWO-FAMILY DWELLING SCALE 1' = 20' CASE NUMBER 77-129 SPH PLAN TO ACCOMPANY PETITION FOR SPECIAL HEARING PETITIONER'S THIS PROPERTY IS NOT IN CRITICAL AREA EXISTING PUBLIC UTILITIES IN OVERBROOK RD. HOUSE AND GARAGE CONSTRUCTED IN 1939 90-532-SP1

AFFIDAVIT The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows: That the information herein given is within the personal knowledge of the affiant and affiant is competent to testify thereto in the event that a public hearing is scheduled in the future with PETITIONER'S 90-5325PH I have personal knowledge that the home located at has been used as a two (2) 410 Overbrook Road (address) apartment dwelling since January, 1941. I also have personal (month) (year) knowledge that all apartments within the dwelling have been utilized as such continuously and uninterrupedly since \_\_\_\_\_, \_\_\_/94/. This personal knowledge is based upon: Katherine Clark moved in the second floor apartment before 1941. I attended a party there when Clarkie married. Mrs. Woods rented the second floor STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit: I HEREBY CERTIFY, this 20 day of August, 198, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared Milder France the affiant herein, personally known or satisfactorily identified to me as such affiant, and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of knowledge and belief. AS WITNESS my hand and Notarial Seal

AFFIDAVIT

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the affiant and affiant is competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto;

90-5325PH I have personal knowledge that the home located at 410 Overbrook Road has been used as a two (2) apartment dwelling since January, 1941. I also have personal (month) (year) knowledge that all apartments within the dwelling have been utilized

as such continuously and uninterrupedly since \_\_\_\_\_, 1941. This personal knowledge is based upon: Katherine Clark moved in the second floor apartment before 1941. I attended a party there when Clarkie married. Mrs. Woods rented the second floor

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this zo day of Aug word, 198, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared Doves J. Sector the affiant herein, personally known or satisfactorily identified to me as such affiant, and made oath in due form of law that the latters and facts hereinabove set forth are true and correct to the best of knowledge and belief.

AS WITNESS my hand and Notarial Seal,

the same and a supplier of the supplier of the

AFFIDAVIT

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the affiant and affiant is competent to testify thereto in the event that a public hearing is scheduled in the future with

I have personal knowledge that the home located at has been used as a two (2) (two/three,etc.) apartment dwelling since May (month), 1978. I also have personal knowledge that all apartments within the dwelling have been utilized as such continuously and uninterrupedly since May (year)

This personal knowledge is based upon: I sold my house in May, 1978 and moved into the 2nd Floor Apartment and lived there until Mrs. Woods died. I spent a lot of time in Florida but always paid my rent on time.

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 23th day of Quenter, 1986, before me, a Notary Public of the State of Maryland, in and for the County me, a notary rublic of the State of Maryland, in and for the County aforesaid, personally appeared GEORGE KUNTZ the affiant herein, personally known or satisfactorily identified to me as such affiant, and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of knowledge and belief.

AS WITNESS my hand and Notarial Seal

Notary Public

WESTBROOK COMMUNITY ASSOCIATION

July 30, 1990

Mr. J. Robert Haines, Zoning Commissioner 111 W. Chesapeake Avenue Towson, Maryland 21204

Westbrook Community Association P. O. Box 21095 Catonsville, Maryland 21228

Dear Mr. J. Robert Haines,

We the resident of Westbrook Community Assoication would like to see 410 Overbrook Road remain as a one family dwelling. Mrs. Edna Woods was a life time resident at 410 Overbrook Road, until her death, April, 1985. The house was sold to Mr. James R. Mudgett who turned the house into two apartments. Under the housing laws in Baltimore County the resident is to remain a one family dwelling.

PROTESTANT'S EXHIBIT 1

90-5325PH

"Everet Cohill" Sr. Edith & Miller

Marily G. Groskoff my commission expires Dec. 1, 1992